

DIVISION I. ZONING CODE

Chapter 18.02

GENERAL PROVISIONS

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18.02.010 Title for citation--Interpretation of provisions.

The ordinance codified in Division I of this title shall be known and cited as the "City of Morgan Hill Zoning Ordinance." Its provisions shall be strictly interpreted and applied as minimum requirements of public concern for the orderly development and use of land, improvements and structures in the city. (Ord. 559 N.S. § A (part), 1981)

18.02.020 Adoption of documents--Contents.

There is adopted a zoning ordinance and zoning diagram (map), incorporated in this Division I of this title by reference, for the city of Morgan Hill, California. The ordinance codified herein is adopted to promote and protect the public health, safety, convenience and general welfare. It consists of the establishment of zoning districts, including therein all the territory within the boundaries of the city within which districts it shall be unlawful to erect,

construct, alter or maintain buildings or uses of land which are not in conformance with the requirements and standards established in this title. (Ord. 559 N.S. § A (part), 1981)

18.02.030 Purpose of provisions.

The purpose of these regulations is to guide the growth of the city in an orderly manner, based on the adopted General Plan, and to protect the public health and general welfare by regulating the use of land and buildings, space between buildings, height and bulk of buildings, and by requiring the provision of off-street parking facilities, landscaping, and other necessary site improvements. (Ord. 559 N.S. § A (part), 1981)

18.02.040 Prior rights and actions.

The enactment of the ordinance codified in Division I of this title shall not terminate or otherwise affect variances, permits or other adjustments authorized under the provisions of any ordinance repealed by the ordinance codified herein, nor shall any violation of such ordinances be excused. (Ord. 559 N.S. § A (part), 1981)

18.02.050 Title provisions not exclusive—Resolution of conflicts.

It is not intended by Division I of this title to impair or interfere with other regulations of effective state or local law, or with private restrictions on the use of land, improvements and structures. Where Division I of this title imposes a greater restriction than that imposed by other law or by private restrictions, Division I of this title shall control. (Ord. 559 N.S. § A (part), 1981)

18.02.060 Other city regulations applicable.

This Division I of Title 18 is intended to be consistent with and complement other city regulations, including but not limited to the sign ordinance, the design review ordinance, the floodplain ordinance, building, plumbing, electrical and fire-prevention codes, and subdivision regulations; and in all cases of doubtful interpretation or possible conflict, the proper interpretation of this chapter is that which favors consistency with other regulations. (Ord. 559 N.S. § A (part), 1981)

18.02.070Conformity with provisions required--Exceptions.

A.No structure shall be erected, reconstructed, relocated or structurally altered to have a greater height or bulk, or to cover a greater proportion of the lot upon which it is situated under the limitations set forth in Division I of this title for the district in which such structure is located. If such structure, at the time of the enactment of the ordinance codified in Division I of this title is nonconforming under the provisions of this division, the structure shall not be further increased in such height, bulk or building coverage, except as provided in Chapter 18.58 of this title.

B.No structure shall be erected, reconstructed, relocated or structurally altered which would result in smaller yards than permissible under the limitations set forth for the district in which such structure is located, except as provided in Chapter 18.56.

C.No yard, off-street parking space or loading space for any structure or upon any lot shall be reduced below the minimum requirements set forth for such yard, parking space or loading space. If already less than the minimum required for the district in which each is located, there shall be no further intrusion into required yard areas. (Ord. 559 N.S. § A (part), 1981)

18.02.080Public noticing.

Review of all applications before the planning commission and appeal applications to the city council shall be provided in the manner prescribed in California Government Code Sections 65090 and 65091. (Ord. 1111 N.S. § 4, 1992; Ord. 899 N.S. § 11, 1989)

18.02.085Other Noticing Requirements.

In addition to the public noticing requirements of Section 18.02.080, an applicant seeking approval for subdivision, site development or a conditional use permit shall post a notice of filing on the project site. The purpose of the sign notice requirement is to notify the community and the neighbors in the affected area early in the review process, allowing the applicant and the city the benefit of citizens' comments during the initial stages of project review. The posted notice shall be subject to the following requirements:

- 1.Size Requirements. The posted notice shall be one of two sizes, four foot by eight foot, or two foot by three foot. The size of the notice is to be determined by the community development department.

2. Timing and Duration. The posted notice shall appear on the project site for a minimum of ten days prior to the date of the public hearing or project approval by the community development department. The posted notice shall be maintained, and remain on the project site until after the city renders a decision on the project. The hearing notice shall be removed from the project site within seven days after the city has rendered a final decision on the project, although the portion of the sign which does not mention the hearing may remain to identify the project.

3. Standard Notice Requirement. The posted notice shall contain a general description of the project, the file number of the project, the applicant's name and a contact number for additional information regarding the project and shall be consistent with standards established by the community development department.

4. Additional Information. The applicant may expand upon or reword or redesign the sign message and format to explain the project in his or her own words, subject to approval of the text by the community development department. (Ord. 1134 N.S. § 1, 1993)

18.02.090 Property owner consent.

Except for those actions initiated by the city, all applications for review under this title shall be accompanied by written consent of the property owner. (Ord. 899 N.S. § 19, 1989)